UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,078	11/13/2003	Kazunori Tomita	8001-1181	7265

466   7590   03/29/2007
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EXAMINER
HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
2628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11/13/03</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>6-10-04</u>

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Priority

1.   Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C.

119(a)-(d) prior to declaration of an interference, a certified English translation of the

foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and

41.202(e).

Failure to provide a certified translation may result in no benefit being accorded

for the non-English application.

Specification

2.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Maurice Benyoun, US 6,774,914 B1, 8/2004.

As per independent claim 1, Benayoun discloses a display means (col. 2, II. 31-32) that

displays graphical content (i.e. elements) (col. 2, II. 34-35) on a background graphic

that is shown as a base (col. 1, II. 50-51); a manipulation means (col. 2, II. 45) that

applies a graphic style that defines a style of said background graphic to be displayed in

three dimensions (col. 1, II. 28-30; col. 3, II. 5-10); and a display control means (col. 2, II.

57-58) that causes said display means to display said background graphic and said

graphical content in three dimensions (Fig. 1 "2" & "4"; col. 2, II. 59-65), according to

said graphic style applied through said manipulation means (col. 3, II. 5-10).

Benayoun fails to specifically disclose <u>specifying</u> a graphic style.

It would have been obvious to one of ordinary skill in the art at the time of

invention to include specifying a graphic style with the method of Benayoun because

Benayoun teaches applying any type of 3D volume and during manipulation of the

content applying a new 3D volume as a background graphic to display content.

One of skill in the art would have been motivated to include specifying a graphic style with the method of Benayoun for the benefit of providing an interface that permits rapid access to data.

As per dependent claim 2, Benayoun discloses said manipulation means issues an image manipulation command to manipulate said graphical content displayed on said display means (col. 2, ll. 62-67) and said display control means changes the display of said graphical content, according to said image manipulation command issued from said manipulation means (col. 3,ll. 24-27).

As per dependent claim 3, Benayoun discloses wherein a change of the display of said graphical content, which is made by said display control means in accordance with said image manipulation command (col. 2, ll. 1, 57-67), includes movement and rotation of said graphical content (col. 1, ll. 57-62).

As per dependent claim 4, Benayoun discloses wherein said display control means reads said graphic data from said database (i.e. network) (col. 3, ll. 28-31), processes said graphic data thus read, according to said graphic style specified through said manipulation means (col. 3, ll. 5-10), and causes said display means to display said graphical content from said graphic data processed (col. 3, ll. 5-10).

As per dependent claim 5, Benayoun discloses when said display control means causes said display means to display said graphical content in accordance with said graphic

style specified through said manipulation means (col. 1, ll. 28-30; col. 2, ll. 58-65), and

when some other graphic style different from said graphic style is specified through said

manipulation means (col. 3, ll. 5-10), said display control means processes said graphic

data read from said database (col. 3, ll. 28-31) in accordance with said some other

graphic style and causes said display means to display graphical content from said

graphic data processed (col. 3, ll. 5-10).

As per dependent claim 6, Benayoun discloses wherein said manipulation means

selects one of a plurality of predetermined graphic style options (col. 1, ll. 28-30; col. 3,

ll. 5-10), thus specifying said graphic style (Fig. 1; col. 3, ll. 5-10).

As per dependent claim 7, Benayoun discloses wherein said plurality of graphic style

options include all 3D volumes (col. 1, ll. 28-30).

Benayoun fails to specifically disclose graphic style options include "a cube with

infinite depth," "a ball," "a cylinder," "the inside of a hemisphere," and "three-

dimensional space without an object displayed."

It would have been obvisou to one of ordinary skill in the art at the time of

invention to include graphic style options including "a cube with infinite depth," "a ball,"

"a cylinder," "the inside of a hemisphere," and "three-dimensional space without an

object displayed with the method of Benayoun because Benayoun teaches applying an

interface for manipulating content to any 3D volume, where a 3D volume is inclusive of

various 3D shapes.

One of ordinary skill in the art at the time of invention would have been motivated to include graphic style options include "a cube with infinite depth," "a ball," "a cylinder," "the inside of a hemisphere," and "three-dimensional space without an object displayed with the method of Benayoun for the benefit of providing an interface that permits rapid access to data.

As per dependent claim 8, Benayoun discloses wherein said manipulation means issues a background graphic manipulation command to manipulate said background graphic (col. 2, ll. 37-40) and said display control means changes said background graphic, according to said background graphic manipulation command issued from said manipulation means (col. 1, ll. 55-61; col. 2,ll. 60-65), and changes said graphical content displayed on said background graphic in accordance with a change of said background graphic (col. 3, ll. 24-27).

As per dependent claim 9, Benayoun discloses wherein a change of said background graphic, which is made by said display control means in accordance with said background graphic manipulation command, includes movement and rotation of said background graphic, and said graphical content displayed on said background graphic moves or rotates as said background graphic moves or rotates (col. 1, ll. 55-61; col. 3, ll. 24-27).

As per dependent claim 10, Benayoun discloses wherein said graphical content which is

displayed on said display means includes menus, icons, and windows (i.e. digital files,

picture, and graphics) (col. 1, ll. 28-30; col. 3, ll. 1-5).

As per dependent claim 11, Benayoun discloses wherein said graphical content which is

displayed on said display means is objects in three-dimensional form (col. 1, ll. 65-67;

Fig. 2).

Benayoun fails to specifically disclose objects including desks, pots, vases, dogs,

and persons.

It would have been obvious to one of ordinary skill in the art at the time of

invention to include objects including desks, pots, vases, dogs, and persons with the

method of Benayoun because Benayoun teaches objects include images or text, where

desks, pots, vases, dogs, and persons are examples of images.

One of ordinary skill in the art would have been motivated to include objects

including desks, pots, vases, dogs, and persons with the method of Benayoun for the

benefit of providing an interface in which numerous data could be viewed.
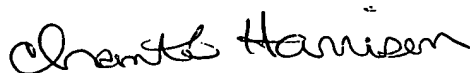
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chante Harrison
Examiner
Art Unit 2628

Ch
March 21, 2007